

REPORT/RECOMMENDATION TO THE BOARD OF SUPERVISORS
OF SAN BERNARDINO COUNTY, CALIFORNIA
AND RECORD OF ACTION

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March 4, 2003

**FROM: MICHAEL E. HAYS, DIRECTOR
LAND USE SERVICES DEPARTMENT/CURRENT PLANNING DIVISION**

**SUBJECT: APPEAL OF A PLANNING COMMISSION DECISION TO DENY AN
EXTENSION OF TIME REQUEST ON A CONDITIONAL USE PERMIT;
APPLICANT: A.J. ACOSTA; FILE/INDEX: CUP/M366-9N/98; APN: 0313-343-04;
COMMUNITY: BEAR VALLEY**

RECOMMENDATION:

1. **CONDUCT** a public hearing on TUESDAY, MARCH 4, 2003, to consider an appeal of a Planning Commission decision to deny an Extension of Time request on a Conditional Use Permit for wood processing and other industrial uses; Applicant: A.J. Acosta; File/Index: CUP/M366-9N/98; APN: 0313-343-04; Community: Bear Valley
2. **DENY** the appeal and UPHOLD the Planning Commission action to DENY the request for an Extension of Time for the subject Conditional Use Permit.
3. **ADOPT** the Findings as recommended by the Planning Commission related to the Conditional Use Permit.

BACKGROUND INFORMATION: The appellant filed the Extension of Time application on September 16, 2002, requesting an additional 36 months to complete the condition compliance process for a Conditional Use Permit (CUP), based upon his stated need to have additional time to resolve legal issues involving water supply. The CUP was originally approved by the Planning Commission on October 7, 1999, subject to conditions of approval that provided deadlines, and clearly defined actions and procedures necessary to correct existing operations that had been subject to ongoing code enforcement actions, since the operation started in 1988 without land use approval. The CUP approved the establishment of two (2) 12,000 sq. ft. buildings for heavy equipment repair, storage, offices, and a lumber/firewood/general contractors' storage yard with associated wood/green material processing, including sawing and chipping. The CUP was granted by the Planning Commission to give the applicant the opportunity to clean up the site and to provide the economic incentive to restructure the business activities to conform with those allowed by the Community Industrial (IC) Land Use District through the CUP approval.

On October 7, 2002, County Planning staff denied the Extension of Time request, based upon noncompliance with conditions of approval relating to ongoing operations, inadequate progress towards accomplishing the goals of the approved project, and nonpayment of fees. On October 17, 2002, the applicant appealed this decision. The CUP approval also expired on October 17, 2002.

The Planning Commission conducted a public hearing on November 21, 2002. The Planning Commission continued this hearing to January 9, 2003, to give the applicant an opportunity to resolve a water service issue and to allow the Planning Commission to take an action with an appropriate quorum. On January 9, 2003, the Planning Commission conducted a public hearing on an appeal of a County Planning Staff action to deny a request for an Extension of Time. The Planning Commission denied the appeal and upheld the staff denial action.

Record of Action of the Board of Supervisors

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REVIEW BY OTHERS: This item has been reviewed by Chief Deputy County Counsel Rex Hinesley on February 13, 2003, and by the County Administrative Office, Patricia M. Cole, Administrative Analyst III on February 20, 2003. The Planning Commission hearings were conducted on November 21, 2002 and January 9, 2003.

FINANCIAL IMPACT: There are no financial impacts associated with this item.

SUPERVISORIAL DISTRICT(S): 3rd

PRESENTER: Julie M. Rynerson, Division Chief - Current Planning Division, 387-4146

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